UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/16
12 January 1996
ENGLISH
ORIGINAL: ENGLISH AND FRENCH

Draft resolution

The Security Council,

Reaffirming all its relevant resolutions, in particular resolution 993 (1995) of 12 May 1995,

Having considered the report of the Secretary-General of 2 January 1996 (S/1996/5),

Reaffirming its commitment to the sovereignty and territorial integrity of Georgia,

Stressing the need for the parties to intensify efforts, under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator, to achieve an early and comprehensive political settlement of the conflict, including on the political status of Abkhazia, fully respecting the sovereignty and territorial integrity of Georgia,

Noting the holding of presidential and parliamentary elections in Georgia in November 1995 and expressing the hope that these will contribute positively to the achievement of a comprehensive political settlement of the conflict in Abkhazia, Georgia,

Reaffirming also the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement of 14 April 1994 on voluntary return of refugees and displaced persons (S/1994/397, annex II),

Deploring the continued obstruction of such return by the Abkhaz authorities,

Deeply concerned over the deterioration in the humanitarian situation, in particular in the Gali region where there is a continued lack of a secure environment,

Deeply concerned also at the rising violence and at the killings being committed in the areas under the control of the Abkhaz side reported in the letter of 8 January 1996 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/1996/9),

Recalling the conclusions of the Budapest summit of the Conference on Security and Cooperation in Europe (S/1994/1435, annex) regarding the situation in Abkhazia, Georgia,

Reaffirming the necessity for the parties to comply strictly with international humanitarian law,

Noting that the Moscow Agreement of 14 May 1994 on a Cease-fire and Separation of Forces (S/1994/583, annex I) has generally been respected by the parties with the assistance of the Commonwealth of Independent States (CIS) peace-keeping forces and the United Nations Observer Mission in Georgia (UNOMIG),

Expressing its satisfaction with the close cooperation and coordination between UNOMIG and the CIS peace-keeping force in the performance of their respective mandates and commending the contribution both have made to stabilize the situation in the zone of conflict,

Expressing concern about the safety and security of UNOMIG and CIS personnel and stressing the importance it attaches to their freedom of movement,

Noting that the forthcoming meeting of the Council of Heads of State of the CIS to be held in Moscow on 19 January 1996 will consider the extension of the mandate of the CIS peace-keeping force,

1. Welcomes the report of the Secretary-General of 2 January 1996;

2. Expresses its deep concern at the continued deadlock in the efforts to achieve a comprehensive settlement of the conflict in Abkhazia, Georgia;

3. Reaffirms its full support for the efforts of the Secretary-General aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of Georgia, as well as for the efforts that are being undertaken by the Russian Federation in its capacity as facilitator to intensify the search for a peaceful settlement of the conflict, and encourages the Secretary-General to continue his efforts, with the assistance of the Russian Federation as facilitator, and with the support of the Organization for Security and Cooperation in Europe (OSCE), to that end;

4. Calls upon the parties, in particular the Abkhaz side, to achieve substantive progress without further delay towards a comprehensive political settlement and further calls upon them to cooperate fully with the efforts undertaken by the Secretary-General with the assistance of the Russian Federation as facilitator;

5. Demands that the Abkhaz side accelerate significantly the process of voluntary return of refugees and displaced persons by accepting a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees, and further demands that it guarantee the safety of spontaneous returnees already in the area and regularize their status in accordance with the Quadripartite Agreement;

6. Calls upon the Abkhaz side in that context to promote, as a first step, the return of refugees and displaced persons to the Gali region, in safety and dignity;

7. Condemns the ethnic killings and continuing human rights violations committed in Abkhazia, Georgia, and calls upon the Abkhaz side to ensure the safety of all persons in areas under its control;

8. Calls upon the parties to improve their cooperation with UNOMIG and the CIS peace-keeping force in order to provide a secure environment for the return of refugees and displaced persons and also calls upon them to honour their commitments with regard to the security and freedom of movement of all United Nations and CIS personnel and with regard to UNOMIG inspections of heavy weapons storage sites;

9. Welcomes the additional measures implemented by UNOMIG and the CIS peace-keeping force in the Gali region aimed at improving conditions for the safe and orderly return of refugees and displaced persons, and all appropriate efforts in this regard;

10. Expresses its full support for the elaboration of a concrete programme for the protection and promotion of human rights in Abkhazia, Georgia, as described in the Secretary-General's report of 2 January 1996 and calls upon the Abkhaz authorities to cooperate fully with the efforts to this end;

11. Decides to extend the mandate of UNOMIG for an additional period terminating on 12 July 1996 subject to a review by the Council of the mandate of UNOMIG in the event of any changes that may be made in the mandate of the CIS peace-keeping force;

12. Reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Agreement on a Cease-fire and Separation of Forces signed in Moscow on 14 May 1994 and/or for humanitarian aspects including demining, as specified by the donors;

13. Requests the Secretary-General to continue to keep the Council regularly informed and to report after three months from the date of the adoption of this resolution on all aspects of the situation in Abkhazia, Georgia, including the operations of UNOMIG;

14. Decides to remain actively seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/17
16 January 1996

ORIGINAL: ENGLISH

LETTER DATED 15 JANUARY 1996 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 751 (1992) CONCERNING SOMALIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia containing an account of the Committee's activities since its establishment until 31 December 1995. The present report, which was adopted by the Committee under the no-objection procedure on 12 January 1996, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) PARK Soo Gil
Chairman
Security Council Committee established
pursuant to resolution 751 (1992)
concerning Somalia

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Annex

Report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

I. INTRODUCTION

1. By its resolution 733 (1992) of 23 January 1992, the Security Council, acting under Chapter VII of the Charter of the United Nations, imposed a general and complete embargo on all deliveries of weapons and military equipment to Somalia.

2. By paragraph 11 of its resolution 751 (1992) of 24 April 1992, the Security Council decided to establish a Committee of the Council consisting of all members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the general and complete embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733 (1992);

(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(c) To recommend appropriate measures in response to violations of the embargo and to provide information on a regular basis to the Secretary-General for general distribution to Member States.

3. The Committee's bureau, as elected at its first meeting of each year, consists of a Chairman and two Vice-Chairmen. The Chairman is elected in his/her personal capacity for the calendar year. For 1995, the bureau consisted of Ambassador Salim Bin Mohammed Al-Khussaiby (Oman), as Chairman, with the delegations of Honduras and Rwanda providing the two Vice-Chairmen.

4. The Committee adopted the present report under the no-objection procedure on 12 January 1996. The purpose of the report is to present a factual summary of the Committee's activities since its establishment in 1992 until 31 December 1995, during which time it held 10 meetings.

II. BACKGROUND AND SUMMARY OF THE COMMITTEE'S WORK DURING THE REPORTING PERIOD

A. Background information

5. Pursuant to paragraph 10 of resolution 733 (1992), the Secretary-General issued a report on 11 March 1992 on the progress of the implementation of the resolution (S/23693 and Corr.1). The report indicated that, despite replies

received from 68 States as at 6 March 1992, 1/, stating that they were strictly observing the terms of paragraph 5 of resolution 733 (1992), both Somali factions had claimed that the other side was receiving arms from some of the countries in the region.

6. In view of the continued flow of arms into Somalia, the Security Council adopted resolution 746 (1992) on 17 March 1992, in which it strongly supported the Secretary-General's decision to dispatch urgently a technical team to Somalia to look into possible mechanisms to ensure the effective implementation of the arms embargo and prepare an operational plan. Pursuant to paragraph 6 of the resolution, the Secretary-General issued a report on 21 April 1992 on the progress in its implementation (S/23829) and requested the Security Council to consider putting in place the appropriate arrangements for the monitoring of the arms embargo. The report also noted that 14 additional replies had been received from States on the implementation of paragraph 5 of resolution 733 (1992), 2/ and that the flow of arms into Somalia continued. Subsequently replies were also received from Burkina Faso, Nicaragua and Panama, bringing the total to 85 replies received from States on the implementation of paragraph 5 of resolution 733 (1992).

7. Pursuant to the adoption of resolution 751 (1992) by the Security Council on 24 April 1992, the Secretary-General issued a report on 22 July 1992 (S/24343) on the progress of the implementation of the resolution. The report once again indicated that the situation regarding the flow of arms and ammunition from outside and the continuing use of military weapons on a large scale inside Somalia had not changed since the last report.

8. In its resolutions 767 (1992) and 775 (1992), adopted on 27 July and 28 August 1992 respectively, the Security Council expressed concern about the availability of arms and ammunition in the hands of civilians and the proliferation of armed banditry throughout Somalia, and further stressed the need for the observance and strict monitoring of the general and complete embargo on all deliveries of weapons and military equipment to Somalia, as decided in paragraph 5 of resolution 733 (1992).

9. In paragraph 16 of its resolution 794 (1992), of 3 December 1992, the Security Council, acting under Chapters VII and VIII of the Charter, called upon States, nationally or through regional agencies or arrangements, to use such measures as might be necessary to ensure strict implementation of paragraph 5 of resolution 733 (1992).

10. On 4 November 1994, the Security Council, deeply concerned about the availability of arms to Somalia, adopted resolution 954 (1994), in which it reiterated the need for observance and strict monitoring of the general and complete embargo on all deliveries of weapons and military equipment to Somalia, as decided in paragraph 5 of resolution 733 (1992). The Council further requested the Committee to fulfil its mandate as described in paragraph 11 of resolution 751 (1992) and in particular to seek the cooperation of neighbouring States for the effective implementation of the embargo.

11. Although the United Nations Operation in Somalia (UNOSOM II) military forces were withdrawn after the expiry of their mandate on 31 March 1995 in

accordance with paragraph 5 of Security Council resolution 954 (1994), the mandatory arms embargo against Somalia still remains in effect.

B. Activities of the Committee

12. The guidelines of the Committee for the conduct of its work were adopted at its second meeting, on 8 May 1992, and transmitted to all States and international organizations on 11 May 1992.

13. Pursuant to a decision taken at its second meeting, letters were addressed to all States on 1 June 1992 requesting information on violations of the arms embargo against Somalia.

14. At its fourth meeting, on 4 December 1992, the Committee authorized the Chairman to issue a press statement, indicating the great concern expressed by the members of the Committee at the lack of receipt of necessary information concerning reports on violations of the embargo. In accordance with the Committee's mandate, an appeal was issued, by means of a press release dated 10 February 1993 (United Nations press release SC/5554 SOM/10), to all national and international governmental or non-governmental organizations for information on violations or suspected violations of the arms embargo against Somalia. In that connection, letters were also addressed to all States on 12 February 1993. The two States that responded to that letter (India and Luxembourg) did not report any violations of the embargo against Somalia.

15. Pursuant to a decision taken at the sixth meeting of the Committee, on 24 February 1993, the Chairman addressed individual letters on 2 March 1993 appealing in particular to those States geographically neighbouring Somalia and other countries in the region (Djibouti, Ethiopia, Egypt, the Islamic Republic of Iran, Kenya, Saudi Arabia, the Sudan and Yemen) which might have the ability to monitor air and sea traffic in the area to increase their vigilance with regard to movement of goods across common borders with Somalia, and to monitor and identify the origin of the carriers of the goods destined for the ports of Somalia.

16. On 4 November 1994, the Security Council, deeply concerned about the continued flow of arms to Somalia, adopted resolution 954 (1994), in which it reiterated the need for the observance and strict monitoring of the arms embargo against Somalia, and requested the Committee, in particular, to seek the cooperation of neighbouring States for the effective implementation of the embargo. Subsequently, in accordance with a decision taken at its ninth meeting, on 16 November 1994, and in fulfilment of its mandate under resolution 751 (1992), the Committee issued an appeal, by means of a press release dated 5 December 1994 (United Nations press release SC/5960 SOM/62), to individuals, national and international organizations for information relating to the violations of the arms embargo against Somalia. In that connection, the Chairman also addressed letters to all States on 19 December 1994. In addition, the Chairman addressed individual letters, on 12 and 13 December 1994, appealing to those States geographically neighbouring Somalia and other countries in the region which might have the ability to monitor air, land and sea traffic in the area, to increase their vigilance with regard to movement of

goods across common borders with Somalia, and to monitor and identify the origin of the carriers of the goods destined for the ports of Somalia. No replies were received to those letters to geographically neighbouring States.

17. During the reporting period, replies received from six States (Belarus, Burkina Faso, Slovakia, Spain, Switzerland and the United Republic of Tanzania) to the above-mentioned letter addressed to all States on 19 December 1994, did not contain reports of violations of the arms embargo against Somalia.

18. Since its establishment, the Committee has considered and taken action on two cases of suspected violations of the arms embargo against Somalia. Information in the first case related to alleged shipments of arms to one of the factions involved in the conflict in Somalia. Appropriate measures were taken by the Committee in response to that alleged violation. The second case investigated by the Committee related to a press report according to which a large arms shipment destined for Somalia had been intercepted and forfeited by the Government of Seychelles in accordance with its national laws.

C. Observations

19. The Committee has, since its establishment, experienced difficulties in obtaining information on violations or suspected violations of the arms embargo against Somalia. The effectiveness of the Committee in monitoring the arms embargo would continue to depend on the cooperation of all States and organizations in a position to provide pertinent information to it.

Notes

1/ Antigua and Barbuda, Argentina, Australia, Austria, Belgium, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Djibouti, Finland, Germany, Greece, Honduras, Hungary, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kuwait, Lao Peoples Democratic Republic, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Morocco, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Senegal, Singapore, Spain, Sudan, Suriname, Sweden, Switzerland, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and the former Yugoslavia.

2/ Algeria, Bangladesh, Barbados, Bolivia, Egypt, Haiti, Indonesia, Jamaica, Mexico, New Zealand, Paraguay, Rwanda, Spain and Ukraine.

UNITED
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Security Council

Distr.
GENERAL

S/1996/18
11 January 1996

ORIGINAL: ENGLISH

LETTER DATED 11 JANUARY 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council have noted your letter of 2 January 1996 and the final biannual report of the Co-Chairmen of the Steering Committee on the activities of the International Conference on the Former Yugoslavia annexed to it (S/1996/4 and annex).

The members of the Security Council note that the International Conference on the Former Yugoslavia will cease to exist as of 31 January 1996. They would be grateful if you could convey to the Co-Chairmen their appreciation for their work and that of the International Conference on the Former Yugoslavia since its establishment, and for the important role it has played in the efforts to bring peace to the former Yugoslavia.

(Signed) Sir John WESTON, KCMG
President of the Security Council

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UNITED
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General Assembly
Security Council

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GENERAL

A/50/862
S/1996/19
11 January 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 55
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-first year

Letter dated 4 January 1996 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 3 January 1996, addressed to you by His Excellency Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

96-00514 (E) 110196 120196

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ANNEX

Letter dated 3 January 1996 from Mr. Osman Ertuğ
addressed to the Secretary-General

I have the honour to bring to your attention a recent statement by the Greek Cypriot Defence Minister, Mr. Costas Iliades, to the effect that the Greek Cypriot side would continue its military build-up and that they would not be intimidated by anyone in this regard. In the said statement, which was reported in the Greek Cypriot press on 30 December 1995, Mr. Iliades is reported to have said the following:

> "The rearmament of the National Guard is the result of a predetermined policy and we shall not accept being bullied by anyone ... With regard to the joint defence doctrine (between the Greek Cypriot administration and Greece), the efforts to implement all decisions are continuing".

This statement, apart from being defiant and provocative in nature, also carries with it serious political and other implications. It shows how propagandistic the Greek Cypriot side's demand for "demilitarization" is, and demonstrates the other side's continuing lack of political will to settle the Cyprus issue by peaceful means. This clearly does not augur well for the future of the negotiations or for peace and stability on the island.

I am sure that the international community will not fail to draw the necessary conclusions from this intransigent and provocative statement by a high-level Greek Cypriot official, at a time when efforts are continuing to revive the intercommunal talks.

I should be grateful if the present letter could be circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

UNITED
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General Assembly
Security Council

Distr.
GENERAL

A/50/863
S/1996/20
11 January 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 55
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-first year

Letter dated 4 January 1996 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 22 December 1995, addressed to you by His Excellency Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

96-00520 (E) 110196

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ANNEX

Letter dated 22 December 1995 from Mr. Osman Ertuğ
addressed to the Secretary-General

I have the honour to enclose herewith the text of a resolution on the situation in Cyprus adopted by the Twenty-third Islamic Conference of Foreign Ministers, held at Conakry, Guinea from 9 to 12 December 1995.

I should be grateful if you would have the text of the present letter and its appendix circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

APPENDIX

Resolution on the situation in Cyprus adopted by the Twenty-third Conference of Islamic Foreign Ministers, held at Conakry from 9 to 12 December 1995

The Twenty-third Islamic Conference of Foreign Ministers, held at Conakry, Republic of Guinea, from 9 to 21 Rajab, 1416H (9-12 December 1995),

Reaffirming the previous resolutions of the Islamic Conferences on the question of Cyprus which express firm support for the rightful cause of the Turkish Muslim community of Cyprus, which constitutes an integral part of the Islamic world,

Reiterating its support for the efforts of the Secretary-General of the United Nations under his mission of good offices towards a negotiated settlement mutually acceptable to both sides,

Welcoming, in this context, the acceptance by the Turkish Cypriot side of the package of confidence-building measures suggested by the Secretary-General of the United Nations following his assessment of November 1992 that it would be difficult to achieve any success in the negotiations towards a comprehensive settlement as long as the current crisis of confidence between the two sides continues,

Noting that there had been sufficient progress for the United Nations to implement the package of confidence-building measures on the basis outlined in the complementary report of the Secretary-General of the United Nations of 28 June 1994 concerning his mission of good offices,

Considering that the excessive rearmament of the Greek Cypriot side deepens further the existing mistrust between the two sides and constitutes a threat to peace and stability on the island,

Recalling that in the more than 30 years since the establishment of the United Nations Force in Cyprus, it has not been possible to achieve a negotiated settlement of the Cyprus problem,

Mindful of the necessity to respect the full equality of the two sides in Cyprus in order to facilitate the efforts towards an overall settlement,

Recalling its resolution adopted at the twentieth session, as well as the resolution adopted by the Sixth Islamic Summit Conference which decided the enhancement of the participation of the Turkish Muslim community of Cyprus in the Organization of the Islamic Conference,

Noting, in this regard, its resolution adopted at the twenty-second session, as well as resolution No. 14/7-P adopted by the Seventh Islamic Summit Conference,

Appreciating the economic study on the Turkish Muslim community of Cyprus undertaken by the Islamic Development Bank,

Having considered, in this context, the request of the Turkish Cypriot side for full membership in the Organization of the Islamic Conference,

Expressing its solidarity with the Turkish Muslim community of Cyprus and its appreciation for their constructive efforts to attain a just and mutually acceptable settlement,

1. Reaffirms the equality of the two parties in Cyprus as the principle enabling them to live side-by-side in security, peace and harmony without the one having the ability to exploit, oppress or threaten the other;

2. Urges member States to strengthen effective solidarity with the Turkish Muslim people of Cyprus and to increase and expand their relations in all fields and in particular in the fields of trade, tourism, culture, information, investment and sports;

3. Decides to support, until the Cyprus problem is solved, the rightful claim of the Turkish Muslim community of Cyprus for the right to be heard in all international forums where the Cyprus problem comes up for discussion, on the basis of equality of the two parties in Cyprus;

4. Requests the Secretary-General to carry out the necessary contacts with the Islamic Development Bank with a view to seeking the ways and means of the latter's assistance for the development projects of the Turkish Muslim community of Cyprus;

5. Considers that building of mutual confidence between the two parties on the island is essential to make progress towards an overall settlement of the question;

6. Calls on the two parties to cooperate fully with the Secretary-General of the United Nations to achieve agreement for implementing the confidence-building measures and to resume direct talks without any preconditions;

7. Decides to remain seized of the request of the Turkish Muslim community of Cyprus;

8. Requests the Secretary-General to take all the necessary measures for the implementation of this resolution and to make further recommendations as appropriate;

9. Requests further the Secretary-General of the Organization of the Islamic Conference to monitor closely developments in Cyprus and to present a comprehensive report to the Twenty-fourth Islamic Conference of Foreign Ministers.

UNITED
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Security Council

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GENERAL

S/1996/21
11 January 1996

ORIGINAL: ENGLISH

LETTER DATED 11 JANUARY 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions of my Government, I have the honour to transmit, enclosed herewith, the reply to the letter dated 3 January 1996 from the Permanent Representative of Croatia to the United Nations addressed to you (S/1996/3).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

96-00539 (E) 110196

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Annex

There is a territorial dispute between the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, and the Republic of Croatia, relating to the Prevlaka peninsula in the Boka Kotorska Bay. The two sides noted the existence of the dispute in Dubrovnik on 25 April 1995.

The present legal status of the disputed part of the territory incorporating the Cape Oštri Rt and a part of the Prevlaka hinterland was regulated by the Joint Declarations of the President of the Federal Republic of Yugoslavia and the President of the Republic of Croatia of 30 September and 20 October 1992, as well as by Security Council resolutions 779 (1992) and 981 (1995) of 6 October 1992 and 31 March 1995, respectively.

The outstanding and contentious issues in the border area between the Republic of Montenegro and the Republic of Croatia were temporarily regulated by the Joint Declaration of the President of the Federal Republic of Yugoslavia and the President of the Republic of Croatia of 30 September 1992. The legal status of the territory of Prevlaka, which has been demilitarized together with its hinterland, has been defined by agreement and the two sides have agreed that the general security of Boka Kotorska and Dubrovnik is to be solved through further negotiations. The agreement has been confirmed by the Security Council in its resolution 779 (1992), by which the United Nations assumed responsibility for monitoring the arrangements agreed and the observance of the United Nations security regime pending the reaching of a peaceful solution to the contentious issue by the two sides. Pursuant to Article 33 of the Charter of the United Nations, the Security Council called upon the sides, by adopting resolution 779 (1992) to resolve the dispute, above all, through negotiations.

During the peace negotiations held in November 1995 at Dayton, Ohio, the delegation of the Federal Republic of Yugoslavia did its utmost to reach a negotiated solution of the dispute by using the instrument of the general peace arrangement in direct contacts with the Republic of Croatia and with the presence of the representatives of the United States of America. The guarantees concerning the tripartite exchange of territories among the Republic of Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia and the solution of the Prevlaka dispute in favour of the Republic of Montenegro which the Republic of Croatia provided on that occasion, are known to all participants in the proximity peace talks at Dayton. However, after the Dayton Agreement the Croatian side has called into question the agreed arrangements in a number of public statements of the most responsible representatives of the Republic of Croatia.

The Federal Republic of Yugoslavia has exhausted all existing possibilities and instruments to resolve the dispute with the Republic of Croatia through diplomatic negotiations, which it was called upon to use by the relevant Security Council resolutions. In this context, the negotiations initiated by the Assembly of the Republic of Montenegro of 8 October 1991 incorporating the proposal for negotiated delimitations with the Republic of Croatia on land and at sea in the Prevlaka region; the negotiations held at the highest level at The Hague and Brussels in the course of 1991 and 1992; the meetings and talks

between the Ministers of the Interior of the Republic of Montenegro and the Republic of Croatia on 20 October 1992 and 28 January 1993; the direct talks between the two interested parties within the Joint Inter-State Committee between the Federal Republic of Yugoslavia and the Republic of Croatia with the presence of the special representative of the Secretary-General of the United Nations on 25 April 1995; shuttle diplomacy of the representatives of the United Nations; and, finally, the negotiations held at Dayton in November 1995, at the Conference in London on 9 December 1995 and at the Conference in Paris on 12 December 1995, did not produce the expected result.

The Federal Republic of Yugoslavia, recalling the Security Council resolutions relating to Prevlaka and the reports of the Secretary-General of 17 September 1994 and 22 March 1995, reaffirming its commitment to the peaceful solution of the dispute, in accordance with the Charter of the United Nations, once again wishes to inform the Security Council that the territorial dispute related to the Prevlaka peninsula between the Federal Republic of Yugoslavia and the Republic of Croatia has not been resolved, and requests the Security Council to call upon the Republic of Croatia to find a peaceful solution through diplomatic negations with the Federal Republic of Yugoslavia. In the meantime, in view of the announced ending of the United Nations mandate in the territories of the former Yugoslavia and of the possibility of a different interpretation of Security Council resolutions 779 (1992) and 981 (1995) concerning the mandate of the United Nations peace forces, the Federal Republic of Yugoslavia also requests the Security Council to regulate the question of the further continuation of the United Nations monitoring mission in the disputed area pending the final peaceful settlement of the dispute.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/22
11 January 1996

ORIGINAL: ENGLISH

LETTER DATED 11 JANUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the letter of the Permanent Representative of Ethiopia to the United Nations (S/1996/10), dated 9 January 1996 and its enclosures, the allegations of the Ethiopian Government against my country regarding the assassination attempt on the life of the Egyptian President, His Excellency Hosni Mubarak, and upon instructions of my Government, I have the honour to enclose herewith the response of the Government of the Sudan to these allegations.

I request that this response be distributed as a document of the Security Council.

(Signed) Ali M. O. YASSIN
Permanent Representative

96-00545 (E) 120196 150196

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Annex

Response dated 11 January 1996 by the Government of the Sudan to the Ethiopian allegations before the Security Council concerning the assassination attempt against the Egyptian President

1. On 18 and 19 December 1995, an ordinary meeting was held at Addis Ababa, at the ministerial level, of the Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution. The creation of that mechanism, which you are well aware of, was prompted, inter alia, by the need to deal with African problems in an African context, as stipulated in the Cairo declaration establishing the said Mechanism. The aforesaid meeting of the Central Organ dealt with several conflict situations in Africa, and examined as well item 6 of its agenda on the assassination attempt against President Hosni Mubarak of Egypt. The outcome of the deliberations on that item reaffirmed the handling of that specific issue in an African framework through the Central Organ, and urged the continuation of efforts by the Sudan to "look for, locate and extradite the three suspects", featuring also the need for cooperation by all, which was an essential ingredient in the OAU Secretary-General's report presented to that meeting. Two days after the conclusion of the Central Organ's meeting, Ethiopia, which is also the current Chairman of OAU, opted to disregard the letter and spirit of the outcome of the OAU Mechanism on the issue by unilaterally resorting to this august body. Such a move by Ethiopia, which came as no surprise to us, explains the motives behind the whole affair. The Ethiopian move reflects the essence of the current hostile campaign against the Sudan with a view to tarnishing and smearing its image, serving the propaganda purposes of some quarters on alleged sponsorship of terrorism by the Sudan, and ultimately destabilizing the whole country through an orchestrated scheme. Indeed attempts to use the Security Council for the achievement of certain political goals, or indulging it in issues that are already being seized by other regional forums, not only have the effect of eroding the Council's credibility or of sending negative signals, but will undoubtedly further complicate an already complicated situation of conflict, thus escalating tension and threatening peace and security of the world over.

2. The Minister for Foreign Affairs of the Sudan extensively addressed the Addis Ababa meeting of the OAU Central Organ on the issue. The Central Organ clearly recognized that contribution by the Sudan, and referred to it in the preambular part of its communiqué as additional information. Although the Sudan has been disappointed at the outcome of the OAU meetings, it has loyally accepted the verdict, as it has always said it would do.

3. The Sudan had been particularly disappointed that one of the first actions to be taken by Ethiopia sought to condemn the Sudanese efforts. The Sudan has not only taken measures that faithfully reflected the Ethiopian claims, but it has been scrupulous in policing and enacting new legislation at great cost to its relations with other countries.

4. The statement by the Deputy Foreign Minister of Ethiopia before the informal meeting of this Council on 21 December 1995 is similar to that of his Foreign Minister in the course of the Addis Ababa meeting. The Ethiopian

statement is based wholly on what Ethiopia claims as evidence from the suspects in custody. No doubt such approach is riddled with serious problems that renders the whole account unconvincing and legally unsound. The Ethiopian account cannot be treated as a credible legal deposition before it is verified by a competent judicial body as norms and rules require, considering also that this forum is not a tribunal.

5. The Ethiopian allegations from that point cannot withstand the test of credibility and admissibility. What evidence is there that the accounts attributed to the suspects are correct? Has the so-called evidence come voluntarily or as a result of pressure on the suspects? Have they been given the right to meet with their legal counsel?

6. The Sudanese Government and people were deeply shocked and disheartened by the statement of the Ethiopian Government issued on 1 September 1995, launching this current hostile campaign by allegedly linking the Sudan to the assassination attempt against the life of President Mubarak of Egypt that took place on 26 June 1995. Our position on the unjust and unsubstantiated claims was made clear in the various statements issued by the Government of the Sudan, including our response to the 11 September meeting and statement by the Central Organ (see S/1996/10, annex I) and our statements in the General Assembly of the United Nations in its fiftieth session.

7. The Sudan condemned the assassination attempt against President Mubarak that same day. The President of the Sudan reiterated our strong condemnation during his press conference held during the summit. The Sudanese Foreign Minister met with his Egyptian counterpart during the summit and conveyed to him our sincere sentiments. Since then the Sudan has followed, as you did, the accusations and counter-accusations between Ethiopia and Egypt on this issue. Indeed some Egyptian officials and newspapers have raised certain thoughts on the possible complicity of the Ethiopian security forces in the attempt as the Ethiopian authorities were the only ones to know the exact arrival time of President Mubarak. Moreover, some official and unofficial Egyptian circles threw doubts on the capabilities of Ethiopian authorities to provide the necessary security measures for the safety of the OAU headquarters, officials and delegates. Others raised some questions about the loopholes observed in the subsequent Ethiopian statements. We have also followed the press statement issued on 4 July 1995 by the Ethiopian Ministry of Internal Affairs in which Egypt was asked, according to the statement, to stop what was referred to as its campaign of lies.

8. On 28 August 1995 Sudan received an Ethiopian envoy, Mr. Hagos Gebre-Wahid, of the Ministry of Foreign Affairs, who presented to President Albashir a written message from the then President of the Transitional Government of Ethiopia, H.E. Meles Zenawi. That message, which came 32 days after the assassination attempt, dealt with three suspects allegedly sheltering in the Sudan and requested their extradition in accordance with the 1964 Treaty between the two countries. Despite our surprise at what appeared to be a new Ethiopian attitude, which came 32 days after the attempt, the Sudan dealt with the request with all seriousness. It is important to note here that the Ethiopian Foreign Minister told the Central Organ that they had all the information about the Sudan's involvement as early as three or four days after the event, but now he

is talking about two weeks. The Government welcomed the cooperation with Ethiopia and confirmed its commitment under the Extradition Treaty, as it did in an earlier case of the hijackers of an Ethiopian plane, and indicated its full readiness to extradite the suspects if found within the Sudanese territory. That was so despite the sketchy, very general, scarce, scanty, inaccurate and misleading information accompanying the request. Going over the attachments will reveal, for example, that the name "Yassim" was given to one of the three suspects, whereas in Arabic there is no such name at all. It is not at all serious on the part of Ethiopia to talk now about typographical errors in such an important and official document issued by a head of State requesting the extradition of specific persons. There is also a description of an imaginary residence the message said was in Arkawit city behind Al-Suk Al-Arabi. For anybody who visits the Sudan, including the OAU delegation whom we asked to take note of these inaccuracies, such a description is only a joke, because there is no proximity between the two areas as they are far from each other. One of the descriptions given is that the man does not wear glasses. Another description is that he wears a Casio digital watch on his left hand. Most striking is that we were told in the message to contact the first suspect to give information about the second. That means the reference goes from one obscurity to another and from unknown to unknown. Regarding Mustafa Hamza, you can refer to Al-Gamhoria, which is an official daily published in Cairo on 15 December 1992 to testify to that early propaganda.

9. It is clear from the foregoing that the particulars given in the Ethiopian message merely echoed what used to appear in the Egyptian media from time to time, bearing in mind that an Egyptian team of inquiry was deployed to Addis Ababa on the day following the incident. The Government formed a high-level committee of all competent authorities that studied the Ethiopian message and circulated the particulars to all police stations in the country as well as airports, seaports and border checkpoints in the Sudan. The committee further reviewed the arrival and departure lists of passengers at all airports and seaports and checked the records of passports and immigration. It inspected taxi services and hotel residents' lists, in addition to issuing warrants for the search of a number of houses in various parts of the capital, interrogating the occupants and proprietors. The investigation committee recommended the reintroduction of the visa requirements that was lifted in the past for some nationalities, including Ethiopia, in order to control the movement, arrival and departure of aliens, and that recommendation has become operational since.

10. As for its findings, the investigation committee observed that the Ethiopian message did not provide any information or evidence pertaining to the date and means of the alleged entry into the Sudan by the first and second suspects. The thorough investigation conducted by the committee did not prove entry of the said suspects into the Sudan at any time before or after the incident. Regarding the third suspect, the investigation indicated entry into the Sudan of a person bearing one of the three names attributed to him on a regular flight of Sudan Airways arriving from Addis Ababa. Contrary to the allegation by Ethiopia that the Sudan Air flight was delayed in order to take him on board, we have a document that proves that the delay came at the instructions of the Ethiopian authorities themselves because of VIP movements at the airport, as the document explained. Furthermore, by the admission of the Ethiopian Government itself, the man is an Ethiopian national, born in

Dire Dawa, holder of passport No. E411054, married to an Ethiopian, and was habitually domiciled in Ethiopia and engaged in the real estate business. Our conviction is that the said person had been smuggled out of the Sudan in the same manner by which he was earlier smuggled into the country in order to implicate the Sudan.

11. It is worth mentioning that he is also the same person whose name was announced by the Egyptian President a few hours after the incident, immediately upon his arrival in Cairo. Was that a matter of mere coincidence?

12. On 7 August 1995 (just 10 days after receiving the Ethiopian request) the Sudanese Government dispatched a high-level delegation to the Ethiopian Government with the results of the investigations that had been conducted, explaining also the difficulties encountered due to the weakness and insufficiency of the information provided. The delegation asked the Ethiopian Government to provide any additional information, and also requested the dispatch of an Ethiopian investigation team to the Sudan. The Sudan has also given, through its special envoy to President Zenawi, the disembarkation card of the alleged suspect. Instead, the Ethiopian Government issued on 1 September 1995 a statement containing measures that have not even been attempted during the Dirgue regime, including closure of a children's school and the elimination of all Sudanese presence in Ethiopia. The peak of events was the heinous and cowardly assassination of two Sudanese nationals working in an international non-Sudanese relief agency. The Sudan has demanded the intervention of OAU in this issue with the Ethiopian authorities in order to unmask the killers of the two Sudanese nationals who were earlier asked to leave Ethiopia and were preparing to leave the country with their families.

13. Coming back again to the submission of Ethiopia before this august Council, the chronology and sequence of its statement reads:

1. Those in custody were arrested within the two days following the attempt.

2. The remaining three who had managed to escape arrest were killed five days after the failed attempt.

3. Within three to four days of the terrorist act, the Ethiopian authorities concerned had gathered most of the necessary information and facts concerning the plot and those directly or indirectly associated with the crime.

14. The Sudan would like here to draw to your attention that this knowledge about the plot and its masterminds, or to put it differently, the "mountains of evidence" in their own records were gathered only in one day or maximum two days according to the chronology provided by the Foreign Minister of Ethiopia and his deputy.

15. The Sudan had already raised a question about being notified 32 days later while the issue was clear, according to the distinguished Deputy Minister, in three or four days. However, our second legitimate question is about the reason why the Ethiopian security forces insisted on eliminating the three who managed

to hide at a time when there were possibilities for their surrender or capture. Why did the Ethiopian authorities get rid of some of the accused and keep others?

16. The Sudan would also like to observe that, while Ethiopia is fully concentrating on three suspects allegedly linked with the Sudan, it decided to keep silent about the remaining eight: how did they come to Ethiopia? What entry points did they use? What passports did they hold? What are the countries in which they were living?

17. Another important point would relate to the Ethiopian attitude vis-à-vis OAU. The Ethiopian submission talked much about the attempt as targeting OAU. However, Ethiopia totally ignored OAU in this process and did not seek to involve the Organization throughout its inquiries. It only came to the Central Organ when it needed to use, without success, the umbrella of OAU against the Sudan to serve its own goals and interests. This concern about Africa and OAU could have been better demonstrated and served by involving OAU. That was not the case when certain foreign investigating teams came to Addis Ababa.

18. In his statement before the informal meeting of the Security Council held at United Nations Headquarters on 21 December 1995, the Deputy Foreign Minister of Ethiopia made very serious and unacceptable allegations. He said:

> "It was a very sophisticated plot in which subsequent investigations have shown the security organs of the Republic of the Sudan were involved ..."

19. Later in his statement, he said:

> "... our investigation into the terrorist crime had shown conclusively that Sudanese security organs and the leadership in the Sudan were involved in assisting, facilitating and supporting the assassination attempt on the life of the Egyptian President".

20. The Deputy Foreign Minister is totally wrong and perhaps malicious. The incoherent, precariously manufactured information that he had described as evidence cannot by any means justify the serious allegation he has unashamedly directed to the leadership and security organs of a neighbouring State. It is therefore our duty to reveal the malicious nature of the exercise, and it is incumbent on you as a member of this august body to fairly and impartially evaluate both points of view and not to drag this body into the dilemma of issues mistakenly wielded as a matter falling within the jurisdiction of the Security Council according to the Charter of the United Nations.

21. The Government of the Sudan wishes to place on record that neither the leadership in the Sudan, nor the Sudanese security organs or any Sudanese individual were never involved in the assassination attempt at issue. It is pertinent therefore to question also the political motive of Ethiopia in spearheading this vicious campaign against the Sudan, in the absence of a substantiated prima facie case justifying the foregoing serious allegations. Obviously and evidently the Ethiopian presentation does not have substance because:

(a) According to the Ethiopian presentation, their investigation has confirmed that the terrorists who staged the attack on the life of the Egyptian President were 11 Egyptians, member of Al-Gama'a Al-Islamia, a well-known Egyptian group that has no link whatsoever with the Sudanese Government;

(b) The unfolding of events demonstrates unequivocally that five of the passports found with the suspects were forged documents. Intensive investigations carried out by the Government has clearly shown that the numbers of these documents do not conform to the official serial number of passports issued by the Sudanese passports and immigration authorities. Fake Sudanese passports cannot stand as proof of the involvement of the Sudanese leadership or its security organs, as represented. By the same token, the Ethiopian passports carried by the terrorists can equally be regarded as proof of the involvement of the Ethiopian leadership, its security organs or any other issuing authority, in the plot;

(c) The Ethiopian claim also maintained that the terrorists who were captured by the Ethiopian Government admitted to having worked at a farm managed by their organization in the Khartoum suburb of Soba. The Sudanese Government wishes to emphasize here that, according to Sudanese investment law, aliens, whether individuals or corporations, are entitled to carry on business in every part of the country, including the Khartoum area of Soba. The Sudanese Government has no reason whatsoever to believe that any of these lands are used or intended to be used for any terrorist or any other unlawful activities;

(d) It has been surprisingly alleged by the Ethiopian Government that the Sudanese Government wanted Ethiopia to engage in a cover-up of the crime. It is legally absurd and factually untenable to represent the matter in such a way that the cooperation required from Ethiopians within the context of the incident appeared a cover-up as alleged;

(e) It is naive to assume that weapons and explosives used in the assassination attempt were sent from Khartoum in a box with a label giving the addressee as the Sudan's General Security Bureau. The plot as described by Ethiopians was a very sophisticated one. Thus the working out of a plan for it cannot be accomplished by such oversimplified methods;

(f) Ethiopia presumed that the three terrorists were "sheltered" in the Sudan. (Compare the word sheltered in the statement of the Deputy Foreign Minister of Ethiopia with the word "sheltering" used in the resolution of the OAU Central Organ.) Ethiopia did not show, as explained earlier, when, how and where those terrorists were sheltered or sheltering in the Sudan. Ethiopia did not cooperate with the Sudan in providing the information it claims to have on the fugitives. It did not respond to the requests of the Sudan regarding the compilation of information. The attitude of Ethiopia during its investigations was secretive and suspicious. The first information Ethiopia had provided was inaccurate, mis-spelt and insufficient. During the second meeting of the OAU Central Organ, the delegation of the Sudan was surprised to know that the Ethiopian delegation is basing its argument in a new set of information that is inconsistent with that given to the Sudan earlier. The Ethiopian account, supposedly all correct, does not at all point to any involvement by either the security organs or the leadership of the country.

22. The Sudan wishes to draw your attention to the crux of the matter behind all this. It is the declared design of a certain world Power to destabilize my country using some of the neighbours under what they termed "dual containment" policy against "an outlaw of the new world order".

23. It was the sincere hope of the Sudan that our brothers in Ethiopia were capable of understanding the lessons of history regarding the necessity of improving relations and the risks of undermining them in the region. In fact, the signals and "writings on the wall", continuously observed by us, were very revealing. That was so since Ethiopia unilaterally suspended the Standing Committee of the Horn on Somalia, which was a collective regional endeavour, and when it opted recently to delay the holding of the Joint Ministerial Commission with the Sudan throughout 1994 and 1995, in addition to many other hostile policies and practices. It is regrettable that Ethiopia is trying in the statement of its Deputy Foreign Minister to give the impression that it initiated the lifting of visa requirement for the nationals of the two countries. This is a big lie. That process was a jointly signed undertaking that Ethiopia decided to cancel unilaterally on 1 September 1995. The fact remains that the Sudan is host to large numbers of Ethiopians, refugees and others. Ethiopia knows very well the sacrifices that the Sudan undertook to help it to come out of its isolation in Africa following the entry of the Ethiopian People's Revolutionary Democratic Front into Addis Ababa and until recently when many African countries were sceptical about the threats posed by its ethnic democracy. We have repeatedly asked our Ethiopian brothers to refrain from talking about the National Islamic Front Government: it is not helpful for them to be called Tigrai People's Liberation Front Government.

24. It is to be noted that, three days following the meeting of the Central Organ on 11 September 1995, the Foreign Minister of Ethiopia informed the Secretary-General of the United Nations, and through the latter the Security Council, about the outcome of the meeting of the Central Organ. They also insisted on coming here two days after the OAU meeting, thus confirming our conviction that the fabricated scenario was skilfully in progress.

25. While the Sudan is capable of defending itself against persistent moves of intimidation and provocation, it would like to assure this distinguished body that it is fully committed to dialogue, good-neighbourliness and the development of mutual cooperation beneficial to all. As regards the allegations against the country on the 26 June 1995 incident, we would like to reiterate that the Sudan has no link with the attempt that was intended to intensify the hostile campaign against the Sudan. Confident in its position and innocence, the Sudan is ready to cooperate fully with whoever would like to assist constructively in unmasking the real facts about the incident. In this regard, we fully support the recommendations of the OAU secretariat calling for dialogue and cooperation among all the parties in order to find a peaceful solution to the current problem.

26. In conclusion, the whole matter could be summarized as follows:

Firstly: There is no dispute at all about our commitment to the Extradition Treaty. Indeed the Government of the Sudan was the one who took the initiative to alert its Ethiopian counterpart about the existence of such a Treaty during the hijacking incident I have alluded to.

Secondly: The Sudan has done its utmost on the basis and in the light of the information given to it on the alleged suspects. It has undertaken a nationwide search and measures, and made its findings known to all.

Thirdly: The Sudan is, furthermore, ready to respond positively to any additional and helpful information on the alleged suspects in order to continue the search. It is ready to cooperate fully with whoever would like to assist in unfolding all the facts about the incident. For all to engage in and maintain constructive dialogue is of the essence.

27. The Sudan would like to inform this august Council that it has already communicated to the Secretary-General of OAU an important letter from its Foreign Minister. In that letter, the Sudan reassured OAU of its full commitment to cooperate in meeting the request contained in the decision of the recently concluded meeting of the Central Organ. The Sudan requested the Secretary-General of OAU to visit the Sudan to discuss ways and means of achieving that end and requested him to secure the cooperation of both Ethiopia and Egypt in order to furnish the Sudan with any additional information that can assist our authorities to look for the suspects. We have already requested both Ethiopia and Egypt to send to Khartoum investigation teams to that effect. Moreover, the Sudan has requested OAU to send a fact-finding mission to investigate the Egyptian allegations on the presence of training camps for terrorist elements from various African countries. We believe that this is the only direct and practical way to put the record straight. We have already distributed to you copies of that communication to OAU.

28. The Sudan regrets that the matter is being brought for Council consideration. Introduction of the issue in the Council can seriously limit the initiative of OAU, which seeks to bring about a peaceful end to the dispute.

First: Measures of such a sort can be counterproductive. Introducing the matter for Council consideration could seriously damage the reputation and credibility of OAU in the field of conflict management.

Second: The move on the part of the Ethiopians has been highly partisan and unbalanced and the introduction of the issue can only add more obstacles to starting serious negotiations between the parties concerned.

29. The Sudan is ready to reach understanding with whosoever seeks the truth. In fact, the Sudan has made proposals that can meet the purposes of the Ethiopians, but they were ignored.

30. We maintain that nothing has been done or is being contemplated that can remotely justify the Security Council's intervention on the ground that peace is being threatened.

UNITED
NATIONS

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Security Council

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S/1996/23
15 January 1996
ENGLISH
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AND RUSSIAN

France, Germany, Italy, Poland, Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its earlier relevant resolutions, and in particular its resolutions 1023 (1995) of 22 November 1995 and 1025 (1995) of 30 November 1995,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium are integral parts of the Republic of Croatia,

Stressing the importance it attaches to full respect for human rights and fundamental freedom of all in those territories,

Expressing its support for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (S/1995/951, annex), signed on 12 November 1995 between the Government of the Republic of Croatia and the local Serbian community (the Basic Agreement),

Having considered the report of the Secretary-General of 13 December 1995 (S/1995/1028*),

Stressing the importance it places on mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders,

Desiring to support the parties in their effort to provide for a peaceful settlement of their disputes, and thus to contribute to achievement of peace in the region as a whole,

Stressing the obligations of Member States to meet all their commitments to the United Nations in relation to the United Nations peace-keeping operations in the former Yugoslavia,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

Determined to ensure the security and freedom of movement of the personnel of the United Nations peace-keeping operation in the Republic of Croatia, and to these ends, acting under Chapter VII of the Charter of the United Nations,

1. Decides to establish for an initial period of 12 months a United Nations peace-keeping operation for the Region referred to in the Basic Agreement, with both military and civilian components, under the name "United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium" (UNTAES);

2. Requests the Secretary-General to appoint, in consultation with the parties and with the Security Council, a Transitional Administrator, who will have overall authority over the civilian and military components of UNTAES, and who will exercise the authority given to the Transitional Administration in the Basic Agreement;

3. Decides that the demilitarization of the Region, as provided in the Basic Agreement, shall be completed within 30 days from the date the Secretary-General informs the Council, based on the assessment of the Transitional Administrator, that the military component of UNTAES has been deployed and is ready to undertake its mission;

4. Requests the Secretary-General to report monthly to the Council, the first such report to be submitted within one week after the date on which the demilitarization is scheduled to be completed pursuant to paragraph 3 above, regarding the activities of UNTAES and the implementation of the Basic Agreement by the parties;

5. Strongly urges the parties to refrain from any unilateral actions which could hinder the handover from UNCRO to UNTAES or the implementation of the Basic Agreement and encourages them to continue to adopt confidence-building measures to promote an environment of mutual trust;

6. Decides that, no later than 14 days after the date on which demilitarization is scheduled to be completed pursuant to paragraph 3 above, it will review whether the parties have shown a willingness to implement the Basic Agreement, taking into consideration the parties' actions and information provided to the Council by the Secretary-General;

7. Calls upon the parties to comply strictly with their obligations under the Basic Agreement and to cooperate fully with UNTAES;

8. Decides to reconsider the mandate of UNTAES if at any time it receives a report from the Secretary-General that the parties have significantly failed to comply with their obligations under the Basic Agreement;

9. Requests the Secretary-General to report to the Council no later than 15 December 1996 on UNTAES and the implementation of the Basic Agreement and expresses its readiness to review the situation in the light of that report and to take appropriate action;

10. Decides that the military component of UNTAES shall consist of a force with an initial deployment of up to 5,000 troops which will have the following mandate:

(a) To supervise and facilitate the demilitarization as undertaken by the parties to the Basic Agreement, according to the schedule and procedures to be established by UNTAES;

(b) To monitor the voluntary and safe return of refugees and displaced persons to their home of origin in cooperation with the United Nations High Commissioner for Refugees, as provided for in the Basic Agreement;

(c) To contribute, by its presence, to the maintenance of peace and security in the region; and

(d) Otherwise to assist in implementation of the Basic Agreement;

11. Decides that, consistent with the objectives and functions set out in paragraphs 12 to 17 of the Secretary-General's report of 13 December 1995, the civilian component of UNTAES shall have the following mandate:

(a) To establish a temporary police force, define its structure and size, develop a training programme and oversee its implementation, and monitor treatment of offenders and the prison system, as quickly as possible, as set out in paragraph 16 (a) of the Secretary-General's report;

(b) To undertake tasks relating to civil administration as set out in paragraph 16 (b) of the Secretary-General's report;

(c) To undertake tasks relating to the functioning of public services as set out in paragraph 16 (c) of the Secretary-General's report;

(d) To facilitate the return of refugees as set out in paragraph 16 (e) of the Secretary-General's report;

(e) To organize elections, to assist in their conduct, and to certify the results as set out in paragraph 16 (g) of the Secretary-General's report and in paragraph 12 of the Basic Agreement; and

(f) To undertake the other activities described in the Secretary-General's report, including assistance in the coordination of plans for the development and economic reconstruction of the Region, and those described in paragraph 12 below;

12. Decides that UNTAES shall also monitor the parties' compliance with their commitment, as specified in the Basic Agreement, to respect the highest standards of human rights and fundamental freedoms, promote an atmosphere of confidence among all local residents irrespective of their ethnic origin, monitor and facilitate the demining of territory within the Region, and maintain an active public affairs element;

13. Calls upon the Government of the Republic of Croatia to include UNTAES and the United Nations Liaison Office in Zagreb in the definition of "United Nations Peace Forces and Operations in Croatia" in the present Status of Forces Agreement with the United Nations and requests the Secretary-General to confirm urgently, and no later than the date referred to in paragraph 3 above, on whether this has been done;

14. Decides that Member States, acting nationally or through regional organizations or arrangements, may, at the request of UNTAES and on the basis of procedures communicated to the United Nations, take all necessary measures, including close air support, in defence of UNTAES and, as appropriate, to assist in the withdrawal of UNTAES;

15. Requests that UNTAES and the multinational implementation force (IFOR) authorized by the Council in resolution 1031 (1995) of 15 December 1995 cooperate, as appropriate, with each other, as well as with the High Representative;

16. Calls upon the parties to the Basic Agreement to cooperate with all agencies and organizations assisting in the activities related to implementation of the Basic Agreement, consistent with the mandate of UNTAES;

17. Requests all international organizations and agencies active in the Region to coordinate closely with UNTAES;

18. Calls upon States and international financial institutions to support and cooperate with efforts to promote the development and economic reconstruction of the Region;

19. Underlines the relationship between the fulfilment by the parties of their commitments in the Basic Agreement and the readiness of the international community to commit financial resources for reconstruction and development;

20. Reaffirms that all States shall cooperate fully with the International Tribunal for the Former Yugoslavia and its organs in accordance with the provisions of resolution 827 (1993) of 25 May 1993 and the Statute of the International Tribunal and shall comply with requests for assistance or orders issued by a Trial Chamber under article 29 of the Statute;

21. Stresses that UNTAES shall cooperate with the International Tribunal in the performance of its mandate, including with regard to the protection of the sites identified by the Prosecutor and persons conducting investigations for the International Tribunal;

22. Requests the Secretary-General to submit for consideration by the Council at the earliest possible date a report on the possibilities for contributions from the host country in offsetting the costs of the operation;

23. Decides to remain actively seized of the matter.

UNITED NATIONS **S**

Security Council

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S/1996/24
12 January 1996
ENGLISH
ORIGINAL: ENGLISH, FRENCH AND RUSSIAN

Draft resolution

The Security Council,

Recalling its earlier relevant resolutions, and in particular its resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, and 1025 (1995) of 30 November 1995,

Having considered the report of the Secretary-General of 13 December 1995 (S/1995/1028*),

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia,

Noting the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, emphasizing the contribution that this demilitarization has made to the decrease of tension in the region, and stressing the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement which would peacefully resolve their differences,

Stressing the importance it places on mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

1. Authorizes the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995 for a period of three months, to be extended for an additional period of three months upon a report by the Secretary-General that such extension would continue to contribute to the decrease of tension there;

2. Requests the Secretary-General to submit to the Council by 15 March 1996 a report for its early consideration on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences, and on the possibility that the existing mandate be extended or that another international organization may assume the task of monitoring the demilitarization of the Prevlaka peninsula;

3. Requests the United Nations military observers and the multinational implementation force (IFOR) authorized by the Council in resolution 1031 (1995) of 15 December 1995 to cooperate fully with each other;

4. Decides to remain actively seized of the matter.